THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.7482 of 2003

Dated 21-12-2005

Between:

A. Bala Obulesu.

..... PETITIONER

AND

The District Collector, Kadapa District, and four others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.7482 of 2003

O R D E R:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

The petitioner is the authorized dealer of the fair price shop of Vellatur Village of Pendlimarri Mandal. The authorization of the petitioner was cancelled by the third respondent-Revenue Divisional Officer by order dated 10-06-1995 on the ground of certain irregularities in distribution of essential commodities, against which the petitioner filed an appeal before the second respondent-Joint Collector, who dismissed the appeal by order dated 13-03-1996. Against the said order dated 13-03-1996, the petitioner preferred a revision petition before the first respondent-District Collector, which was also dismissed by order dated 08-12-1996. Aggrieved by the same, the petitioner earlier filed W.P.No.20399 of 1997 which was disposed of by this Court by order dated 14-02-2002, whereunder the order dated 08-12-1996 passed by the first respondent-District Collector was set aside and the matter was remitted to the first respondent-District Collector to give an opportunity of hearing to both the parties and to pass a well reasoned order after consideration of all the contentions raised. Pursuant to the same, the first
respondent-District Collector reconsidered the matter and passed an order dated 20-03-2003 upholding the order of cancellation of authorization, which is under challenge in this writ petition.

As can be seen from the material on record, the allegations made against the petitioner include that he was found in possession of 40 bogus ration cards and was selling the essential commodities at higher rates and that he failed to distribute rice and sugar to the card holders in the month of December, 1994.

The case of the petitioner appears to be that the allegations that he was in possession of 40 bogus ration cards is absolutely false and incorrect. The petitioner contends that as per the enquiry conducted by the Junior Assistant of the Office of the Mandal Revenue Officer, 39 cards out of 40 alleged bogus ration cards were found to be genuine. He also contends that all the said cardholders are very much residing in the village and that even it was so established in the Janma Bhoomi conducted in the village by the Joint Collector. The petitioner in support of his contention relied upon a report dated 25-09-2002 said to have been submitted by the Mandal Revenue Officer, Pendlimarri Mandal.

The learned counsel for the petitioner vehemently contends that the other allegations made against the petitioner are all trivial in nature and therefore, once it was established that the 40 ration cards alleged to have been found in possession of the petitioner are genuine, there is no other justifiable reason to confirm the cancellation of the authorization. Since the said aspect was not considered by the 1st respondent while dismissing the Revision Petition, the learned counsel submits that the impugned order cannot be sustained.

A perusal of the order of the 1st respondent shows that the plea of the petitioner that out of 40 Cards, 39 Ration Cards were found to be genuine, and as on today all the said Card Holders are receiving the supplies has not been considered.

Having regard to the facts and circumstances of the case, I deem it appropriate to remit the matter to the 1st respondent-District Collector, to reconsider the Revision Petition and to pass appropriate

orders in accordance with law, after affording due opportunity to the petitioner to establish his plea that the 40 Ration Cards found in possession of the petitioner are genuine, as expeditiously as possible, preferably within a period of 3 (three) months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

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(G. ROHINI, J)

21st December, 2005.

Ghn/Kgr